

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

October 20, 2003

Regular Meeting

The regular meeting of Council was called to order by President Klemack at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer, a moment of silence and the Pledge of Allegiance, roll was called and the following members were present:

Vaughn Radi Bob Hatley Maria Klemack Budd Eversman

1. President Klemack moved to excuse Mr. Saxton; seconded by Mr. Eversman.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

2. President Klemack moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Radi.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes

3. President Klemack recognized the Mayor for a presentation. Mayor Grossman introduced Michelle Demmy, Early Childhood Coordinator for the City and coordinator of quilting. Michelle explained that Grove City held its first Quilting Tree on June 20th. There were 27 in attendance and each quilter was asked to create a Star of Grove City quilt block. She took the blocks and put them all together. The quilt went the Grove City Bicentennial Celebration and many community members signed it. It also went to the Quilt Show during Arts-in-the-Alley. She presented it to the City. Mayor Grossman gladly accepted it and said she hopes to place it in the proposed Museum.

House of Representative Larry Wolpert presented a Commendation to Ike Stage for his service to the community as City Administrator. He said Ike has a passion for local government that should be recognized. Mr. Stage expressed thanks and noted that Senator Steve Stivers presented him with a Commendation from the Senate during Caucus. President Klemack read a Resolution of Recognition for Ike, on behalf of the Council Members and Mayor Grossman presented him with a jacket. Mr. Stage expressed his appreciation to all.

4. President Klemack read the agenda items and they were approved by unanimous consent.

In the absence of Mr. Saxton, the Chair recognized Mr. Radi, for discussion and voting of legislative agenda items under the Lands & Zoning Committee.

1. Ordinance C-78-03 (Accept the Annexation of 80.8 acres located North of Holton Road and East of Hoover Road) was given its second reading.

Mr. Radi confirmed with Ms. Kelly, Clerk of Council, that a written request from the petitioner's agent had been received requesting a postponement. Mr. Radi moved it be postponed until 11/17/03; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

2. Ordinance C-79-03 (Accept the Annexation of 316.2 acres located South of White Road and West of S.R. 104) was given its second reading and at the written request of the petitioner's agent, Mr. Radi moved it be postponed until 11/17/03; seconded by Mr. Eversman.

Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

3. Ordinance C-86-03 (Accept the Annexation of 0.066 acres located North of Home Road between S.R. 62 and Hoover Road) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner, explained that this is more or less a lot line adjustment of the purchase of property from one owner to the other.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

4. Ordinance C-88-03 (Approve a Special Use Permit for a Car Wash in the Anchor Retail Center located at 3200 Broadway) was given its second reading and public hearing.

Mr. Mike Shannon, attorney for petitioner, spoke to this Ordinance, Ord. C-89-03 and Res. CR-72-03, as they are all concerning the same development. He explained the proposal and reviewed the Development Plan. He said his client has agreed to all the stipulations set by Planning Commission and has made many changes to make this project work. It will encompass development standards to insure a quality development. He explained that there was an initial concern with the intensity of so many uses. So, they acquired an additional property to the north, which will include a total renovation of the existing building for a restaurant. He requested approval.

Mr. Hatley asked if they had a similar facility elsewhere. Mr. Gonzorick, one of the principals, said they have a property on Norton Road, which this plan is duplicated after. Mr. Hatley asked about the traffic issues within the complex, with all the different uses (car washes, drive-thru, restaurants, Laundromat). He expressed concern for the traffic patterns. Mr. Shannon said staff had the same concerns and they provided historical traffic data and specific turning radii. They fine-tuned it with the City's Consulting Engineer and they feel it is safe. There will be a signage package that is user-friendly. With the additional lot, it enabled them to alleviate the intense use to one that has green space. It complies with all Code

requirements and believe the traffic circulation will be very efficient. This is a prototype that the owners will work very well. Mr. Radi confirmed with the Mayor that this has been adjusted to the acceptance of staff and Planning Commission. He also verified the acceptance of the three stipulations by the owner.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes

5. Ordinance C-89-03 (Approve a Special Use Permit for a Drive-Thru in the Anchor Retail Center located at 3200 Broadway) was given its second reading and public hearing.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

6. Ordinance C-99-03 (Amend Ordinance C-2-86 to Modify the Boundaries of Community Reinvestment Area No. 2) was given its first reading. Second reading and public hearing will be held on November 3, 2003.

Mr. Stage, City Admin., commented that this was discussed when the property at Gantz and Marlane was developed for condo's that they should not be tax exempt. They also talked to the School Board about their site and feel we should readjust the boundaries to those particular happenings. A third, more important happening, is a hotel/motel desiring to locate at the I-71/Stringtown Rd. exit, which will have a meeting room facility. The Hilton is also adding a meeting room facility. By doing this, it will allow these areas to be under the CRA. About 90 percent of the property is already developed and the only way to get a new advantage is to tear down or renovate. There area areas on the west side of I-71 that do need to be rehabbed.

7. Resolution CR-72-03 (Approve the Development Plan for Anchor Retail Center located at 3200 Broadway) was given its reading and public hearing.

Mr. Radi confirmed that four stipulations set by Planning Commission. Mr. Shannon said his client agreed to all of them.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Hatley.

Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

The Chair recognized Mr. Eversman, Chairman of Service, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-90-03 (Authorize the Director of Public Service to enter into a Franchise Agreement with Local Waste Services, LLC for Solid Waste, Recycling and Yard Waste Collection, Transportation and Disposal) was given its second reading and public hearing.

Mr. Blackburn, Dir. of Service, explained that this legislation is a result of the public bidding process. He said four bid packages were taken out and three were received back. This represents the lowest bid. The new rate will be \$10.69/mo. and is about \$0.39/mo. over what the residents have been paying the last five years. He introduced Mr. C. C. Ungerin, President of Local Waste.

Mr. Hatley asked, other than the improved dependability of trash collection, can the residents expect any changes in how they put the trash out, what is collected, or the day they put their trash out. Mr. Blackburn said not that this time. If so, they will get notice in plenty of time before the change. He said there would be a couple of new items picked up in the recycling area. They will be sending out an introductory letter prior to the January 1 start date. Mayor Grossman asked about the references from other communities. Mr. Blackburn said this company does haul for Hilliard and Groveport. Neither had any complaints. In fact, Hilliard was extremely complimentary and offered to attend the meeting to speak on their behalf. Mr. Radi asked about provisions if there would be any dissatisfaction during the five-year contract. Mr. Blackburn said there is a 30-day notification procedure and there must be a \$250,000.00 performance bond in place, as part of the contract.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

2. Ordinance C-91-03 (Authorize the Director of Public Service to enter into a Franchise Agreement with the Solid Waste Authority of Central Ohio for Disposal Rates at the Landfill and Other Authorized Facilities) was given its second reading and public hearing.

Mr. Blackburn, Dir. of Service, explained that this is the companion piece to C-90-03. He said this time, we unbundled the services and received bids for disposal costs separately. The Solid Waste Authority was low bidder with a tipping rate of \$27.00/ton. Without the contract, the tipping fee is \$29.75/ton. Mr. Hatley asked what other choices we have. Mr. Blackburn said we could have received bids from other landfills. Rumpke took out a bid package, but failed to return it. Mr. Stage complimented Jim on these contracts. He commented that he doesn't think the City should pay any fees to SWACO. He feels it is what they owe the City for their mound being in our back door.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by Mr. Hatley.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes

The Chair recognized Mr. Radi, Chairman of the Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-93-03 (Amend Section 133.03 of the Codified Ordinances titled Relationship to Mayor and Council) was given its second reading and public hearing.

Mr. Dan Guttman, attorney representing the City, explained that this regulates the appointment process for the Chief of Police. Initially, this is a classified position and the Civil Service process will dictate the narrowing of candidates down to five. After that process is complete, an appointing authority from the Administration is going to be able to select one out of any of those five candidates. The question is who. He worked with Ike, the Mayor and Tom Clark. He looked at three things: past practice, which was the Safety Director; the Code, which – although not clear, looked like the City Administrator could appoint the position; then they looked at the practical situation, which seemed to lead to the fact that the growth of the city and police dept. made the position very similar to a Dept. Head – which is appointed by the Mayor. The Mayor has the right to make delegations and/or revocations and/or appointments. In the two past appointments, the Mayor played a very active role. With that, this legislation was set before Council to clarify the appointment process.

Mr. Eversman said he researched this himself and quoted Section 308 of the City Charter and other sections of the Charter and Code Sections. He pointed out that in the Code it stipulates, very clearly, that “neither the Mayor nor any Council Member shall designate the appointment of any person to office or employment by the Admin. Asst.” “Except for the purpose of inquiry, the Mayor and Council shall deal with the administrative service solely through the Administrative Asst. and neither the Mayor nor Council shall give orders to any subordinates of the Admin. Asst.” He said because the Chief is a classified employee, he believes it clear states that the Safety Director makes the appointment, under the immediate direction of the Admin. Asst. He also does not believe it is wise to make the Chief of Police a political appointment, or even giving the idea to the Police Officers and public the perception that it might be. He said the current system is outlined in the Charter and Section 133 of the Code and has worked fine in the past. Certainly the Mayor’s input with the Safety Director and the Admin. Asst, would be valuable, but he believes the system is clearly stated and doesn’t see a reason to make a change.

Mr. Hatley commented that the Safety Director is appointed by the Mayor. So, from a political standpoint you could say that either one of them appointing the Chief would be the same thing. You would assume that the Safety Director’s decisions would be somewhat the same as the Mayor’s. He believes that in the past, there has been some question as to who’s job this is. This legislation does spell that out. He said if he were Mayor he wouldn’t want all that responsibility on himself and would hope that there would be some kind of process in place. He said this does make it more clear and eliminates any questions.

Mr. Guttman commented that Code sections Mr. Eversman pointed out are correct. However, he found a section that notes that the City Admin. shall have all powers of appointment. He said what they don’t want to get into is setting a precedent that the only way a Mayor gets their appointment in office is by firing a Director. He said he believes the Code discourages that, but at the same time there is some discrepancies in who the appointing authority is. They thought this would clear it up and would remove any political nature. How the Mayor chooses to handle the process is a test that the voter’s can decide after the appointment is made. Mr. Clark, Dir. of Law, reiterated that the Civil Service process is still in place and may not be as political as it seems. Mr. Eversman said that process narrows it to five and from there it is up to the appointing authority and could very well be constructed as political. To Mr. Guttman, Mr. Eversman stated that from working with him on other projects, attorney’s are very good at

finding loopholes and as large as the ordinances are and as old as the Charter is, he thinks you could go through and pick apart any piece you wanted to examine. He feels this clear as can be and doesn't feel the need for it. Mr. Guttman agreed and said this is certainly something that was brought to his attention and from those people, there wasn't a consensus.

There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Mr. Hatley.

Ms. Klemack	No
Mr. Eversman	No
Mr. Radi	No
Mr. Hatley	Yes

The Chair recognized Mr. Hatley, Chairman of Finance, for discussion and voting of legislative agenda items under said Committee.

1. Ordinance C-94-03 (Appropriate \$43,058.00 from Various Funds of the City for the Refunding of Expenses from the Snow Storm of February 15 – 17, 2003) was given its second reading and public hearing.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by Mr. Eversman.

Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

2. Ordinance C-95-03 (Establish the Elm Street CDBG Fund, Authorize the City Administrator to Enter into a Contract and Appropriate \$209,075.00 from Said Fund for the Current Expense of Road Reconstruction) was given its second reading and public hearing.

Mr. Behlen, Dir. of Finance, commented that we were successful in being awarded this grant and now that it is here, we must identify a specific fund for it.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by President Klemack.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

3. Ordinance C-96-03 (Appropriate \$96,675.00 from the Sewer Fund for the Current Expense of Reimbursing the City of Columbus for Tap Fees Collected) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Radi.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes

4. Ordinance C-97-03 (Authorize the City Administrator to Enter into a Contract to Study the Impact of New Residential Development and Appropriate \$14,500 from the General Fund for the Current Expense of the Development Study) was given its second reading and public hearing.

Mr. Hatley noted that this is the annual Danter Study.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by Mr. Radi.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

5. Ordinance C-98-03 (Direct the Certification to the County Auditor of the Expense for Cutting Weeds on Private Property and to declare an emergency) was given its second reading and public hearing, and there being no additional questions or comments, Mr. Hatley moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

Mr. Hatley moved it be approved as an emergency; seconded by Mr. Eversman.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

6. Ordinance C-100-03 (Appropriate \$40,000 from the General Fund for the Current Expense of Contract Plumbing Inspections) was given its first reading. Second reading and public hearing will be held on November 3, 2003.
7. Ordinance C-101-03 (Appropriate \$764,378.41 from the Stringtown White Road Fund for the Current Expense of Construction Costs) was given its first reading. Second reading and public hearing will be held on November 3, 2003.
8. Ordinance C-102-03 (Appropriate \$6,345.00 from the General Recreation Fund for the Current Expense of the Volleyball Program) was given its first reading. Second reading and public hearing will be held on November 3, 2003.
9. Ordinance C-103-03 (Appropriate \$6,354.00 from the COPS MORE 1999 Fund for the Current Expenses of Police Equipment) was given its first reading. Second reading and public hearing will be held on November 3, 2003.
10. Ordinance C-104-03 (Appropriate \$8,000.00 from the General Fund for the Current Expense of Civil Service Testing for the position of Chief of Police) was given its first reading. Second reading and public hearing will be held on November 3, 2003.

11. Resolution CR-75-03 (Authorize the City Administrator to Apply for Grant Funding for Wal-Mart) was given its reading and public hearing.

Mr. Hatley explained that this is for the Safe Neighborhood Hero's Program.

There being no additional questions or comments, Mr. Hatley moved it be approved; seconded by President Klemack.

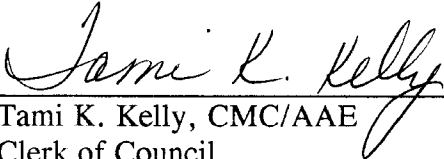
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Radi	Yes

The Chair asked that any new business to be brought before the attention of Council be done so at this time.


There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. Mayor Grossman expressed her appreciation to Mr. Stage and provided closing comments concerning current events.
2. Staff members, developers and attorneys, and Council expressed their appreciation and special comments to Mr. Stage. Mr. Stage thanked everyone and said it has been a fruitful five years. He talked about courageous Council and cited the Downtown Revitalization, the Wal-Mart Distribution Center, SouthPark, and the Big Run/Holt Road's Annexation as those issues that Council took a courageous step in approving.
3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:06 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Maria C. Klemack
President